



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/918,162	07/30/2001	Herbert Gerharter	PHAT 000046	2121

24737 7590 05/17/2006

PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

NGUYEN, HUY THANH

ART UNIT PAPER NUMBER

2621

DATE MAILED: 05/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/918,162	Applicant(s) GERHARTER ET AL.	
	Examiner HUY T. NGUYEN	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2621

DETAILED ACTION

1. The art unit assigned to the Examiner and to which the application has been docked has been changed from 2616 to 2621.

Claim Objections

Claims 3 and 10 are objected to because of the following informalities: it is not clear how a propose end time of a further television program can be determined since it is not clear whether “start time” and “end time” recited in claims 3 and 10 being referencing to start time and end time of the television program or the further television program. Appropriate correction is required.

Specification

2. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase “Not Applicable” should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), “Sequence Listings” (37 CFR 1.821(c)),

Art Unit: 2621

and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or

REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a).

"Microfiche Appendices" were accepted by the Office until March 1, 2001.)

(f) BACKGROUND OF THE INVENTION.

(1) Field of the Invention.

(2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.

(g) BRIEF SUMMARY OF THE INVENTION.

(h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).

(i) DETAILED DESCRIPTION OF THE INVENTION.

(j) CLAIM OR CLAIMS (commencing on a separate sheet).

(k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).

(l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

3. Applicant is requested to provide Section headings (f) to (i) in the specification as required by 37 CFR 1.77 (b).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-5,8-10 ,12-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Kim (5,432,558)..

Regarding claims 1 and 12, Kim discloses a recording arrangement (13, column 4, lines 40-65)) having a receiving means for receiving reception information including program information and, in at least one receiving channel picture information and/or sound information of a television program, and having detection means for the detection of the received program information , which characterizes the start times and end times of television programs that can be received in the receiving channels (Fig. 11, column 7, lines 40-55) and having recording means , which are adapted to record the picture information and/or sound information received in the receiving channel on a record carrier from a recording start time till a recording end time and having recording control means which, when a user of the recording arrangement has defined the recording start time and the receiving channel for a recording, are adapted to propose the end time determined by the detection means as the recording end time for the recording of the television program that can be received in the receiving channel. .At Fig. 13, Kim teaches a proposed end time for ending the recording of the program when the current time is off time (column 4 lines 40-65, Fig. 13).

Regarding claims 2, Kim further teaches the recording arrangement (1) as claimed in claim 1, in which the recording control means (13), when a user of the recording arrangement has defined the current time as the recording start time and the

Art Unit: 2621

receiving channel currently selected for a recording at the receiving means (4), are adapted to propose the end time determined by the detection means as the recording end time for the recording of the television program received in the receiving channel currently selected at the receiving means since the user can select the current time as a recording start time based on the displayed start time of the program information .

(Fig. 13, column 4, lines 30-65).

Regarding claim 3, 10 and 13, Kim teaches providing propose en time of a further television program since the user can select a further television for recording by inputting the user instruction to the controller of the apparatus

Method claims 8 and 9 correspond to apparatus claims 1 and 2. Therefore method claims 8 and 9 are rejected by the same reason as applied to apparatus claims 1 and 2.

Regarding claim 4, Kim further teaches the recording arrangement as claimed in claim 1, which includes change means adapted to change the proposed recording end time in accordance with selection information entered by the user of the recording arrangement since the user can control the end time recording .

Regarding claim 5, Kim further the recording arrangement as claimed in claim I, in which the detection means are adapted to detect an electronic program guide contained in the reception information and complying with the standard respectively (column 4, lines 15-65, Figs 11, 13).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kim (5,432,558) in view of Ellis et al (2004/0175121).

Kim fails to teach means to receive the program information (PI2) from the Internet,. (column 4, lines 10-65).

Ellis teaches a recording apparatus for having means for receiving program from a internet source (section 0039).

It would have been obvious to one of ordinary skill in the art to modify Kim with Ellis by using internet receiving means as taught by Ellis with the apparatus of Kim

Art Unit: 2621

thereby enhancing the capacity of the apparatus of Kim for receiving the program guide data from Internet .

8. Claims 7,11,14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim (5,432,558) in view of Kuroda (6,311,011) .

Regarding claims 7 and 11, Kim fails to teaches using intermediate storage means (6) for recording in a continually overwriting fashion the picture information and/or sound information of the television program last received in the selected receiving channel during an intermediate storage time and in which the recording control means are adapted to assign the television signal of the beginning of a television program recorded in the intermediate storage means during the intermediate storage time to the television signal of the television program recorded during the recording time, if the recording start time does not correspond to the start time of the television program.

Kuroda teaches a recording apparatus having intermediate storage means (6) for storing a television signal of a television program during intermediate storage time when a recording start time not corresponds to start time of the program (column 5, column 12, lines 30-45, Fig. 3).

It would have been obvious to one of ordinary skill in the art to modify Kim with Kuroda by using a intermediate storage means as taught by Kuroda with the apparatus of Kim for storing the television signal when the recording start time does not

corresponds to the recording start time in order to prevent losing a part of the television program due by delaying a recording decision .

Response to Arguments

9. Applicant's arguments, filed 27 February 2006, with respect to the rejection(s) of claim(s) under Wehmeyer have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Kim (5,432,558).

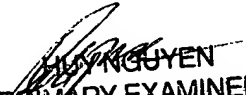
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T. NGUYEN whose telephone number is (571) 272-7378. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2621

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

H.N


H.N. NGUYEN
PRIMARY EXAMINER